

1 APPEARANCES (cont.):

2 MR. MARK L. GOLDSTEIN
3 108 Wilmot Road, Suite 330
4 Deerfield, IL 60015
5 (847) 580-5480
6 appearing for the respondent.

7 ALSO PRESENT:

8 Mr. John Parise
9 Commonwealth Edison Company

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<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>Re- direct</u>	<u>Re- cross</u>	<u>By Examiner</u>
None.					

E X H I B I T S

<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
None.		

1 JUDGE MORAN: Pursuant to the Illinois Commerce
2 Commission, I'm calling Docket 07-0626. This is
3 Brian Schwartz versus Commonwealth Edison Company.
4 It is a complaint as to billing dispute in Chicago,
5 Illinois.

6 May I have the appearances for the
7 record, please. Mr. Schwartz.

8 MR. SCHWARTZ: Brian Schwartz. My phone number
9 is (312) 463-0553.

10 JUDGE MORAN: And your address.

11 MR. SCHWARTZ: 130 South Canal, Unit 619, zip
12 code 60606.

13 MR. GOLDSTEIN: On behalf of Commonwealth
14 Edison Company, Mark L. Goldstein, 108 Wilmot Road,
15 Suite 330, Deerfield, Illinois, 60015. My telephone
16 number is (847) 580-5480. And I have with me today
17 John Parise of ComEd.

18 JUDGE MORAN: Okay. And this is the first time
19 that we're up on this case. It's up for status.

20 And have the parties had an
21 opportunity to discuss anything?

22 MR. GOLDSTEIN: Yes.

1 MR. SCHWARTZ: Yes, your Honor. We were just
2 discussing.

3 JUDGE MORAN: Okay. And where are you at? I
4 mean, does Commonwealth Edison Company understand the
5 complaint?

6 MR. GOLDSTEIN: Oh, absolutely, Judge. We've
7 made what I believe is an appropriate settlement
8 offer to Mr. Schwartz with respect to his complaint.

9 JUDGE MORAN: Okay.

10 MR. GOLDSTEIN: Mr. Schwartz, in effect, has
11 rejected our offer. And I think that's about where
12 we're at.

13 JUDGE MORAN: I'm not concerned about that. My
14 concern is whether you understand this complaint
15 because I have problems with it.

16 MR. GOLDSTEIN: Absolutely.

17 JUDGE MORAN: That's all. I don't know what
18 you're complaining about.

19 MR. SCHWARTZ: Judge, I'm not sure if the
20 company does understand the complaint. They weren't
21 familiar with the citations.

22 JUDGE MORAN: Well, you can't speak for them.

1 That's one thing.

2 MR. SCHWARTZ: Okay. That's fine. I just want
3 to --

4 JUDGE MORAN: I'm just saying that I have
5 problems and I'm going to need some clarification on
6 this.

7 MR. SCHWARTZ: Certainly.

8 JUDGE MORAN: First of all -- okay. Explain to
9 me these different addresses. The service address is
10 743 North Dearborn.

11 MR. SCHWARTZ: Correct.

12 JUDGE MORAN: And that is what?

13 MR. SCHWARTZ: That was a former address.

14 JUDGE MORAN: Former home address?

15 MR. SCHWARTZ: Correct.

16 JUDGE MORAN: Okay. And you're currently
17 living at 130 South Canal?

18 MR. SCHWARTZ: Correct.

19 JUDGE MORAN: Okay. All right. Now -- okay.
20 I guess I don't want to get into testimony today.

21 Discovery? Is there any discovery
22 that needs to be had here? I mean, are there any

1 documents you need? Any documents they need?

2 MR. SCHWARTZ: Yeah.

3 JUDGE MORAN: I mean, if we were going to go to
4 trial right now, is everybody ready to go?

5 MR. SCHWARTZ: I would be ready to go. I would
6 be ready to go to trial if we want to resolve it
7 immediately.

8 JUDGE MORAN: Well, you wouldn't resolve it
9 immediately. You don't know how the Commission
10 works. We don't resolve immediately.

11 MR. GOLDSTEIN: This is a status hearing,
12 Mr. Schwartz. I believe --

13 JUDGE MORAN: If you were going to go to trial,
14 do you have every document, everything that you need
15 one from the other? I mean, for you, Mr. Schwartz,
16 do you have everything that you need from the
17 company? I guess this is kind of a billing dispute,
18 so you have the bills, right?

19 MR. SCHWARTZ: Yeah. I mean, I have some of
20 it.

21 JUDGE MORAN: Do you have -- I mean, when you
22 were talking here before, were you able to

1 communicate --

2 MR. SCHWARTZ: Yeah.

3 JUDGE MORAN: -- across the lines on things?

4 MR. SCHWARTZ: Is this an appropriate time to

5 submit things to the Court?

6 JUDGE MORAN: No, uhn-uhn. That would be done

7 at a formal hearing, yes.

8 And that's my question, whether

9 everybody has everything they need.

10 MR. SCHWARTZ: Is this an appropriate time to

11 make requests from ComEd?

12 JUDGE MORAN: Yes, it is.

13 MR. SCHWARTZ: My reading of the administrative

14 code says that ComEd should keep on record for three

15 years complaints made. I'm looking at Title 83,

16 Section 410.40, Clause C. I would be interested in

17 getting the records of my correspondence.

18 JUDGE MORAN: Oh, records of --

19 MR. SCHWARTZ: My correspondence with the

20 company.

21 JUDGE MORAN: That you have sent out to the

22 company.

1 MR. SCHWARTZ: Yep.

2 JUDGE MORAN: Okay. Did you send them to a
3 person or just to the company in general?

4 MR. SCHWARTZ: Not officially, your Honor, but
5 I have it printed out if you would like to look at
6 it. I have sent it to the company, to a person, to
7 every address that I know of for the company,
8 customer representatives.

9 JUDGE MORAN: Okay. I don't want to look at
10 it. They may want to look at it.

11 MR. SCHWARTZ: I've distributed it to ComEd
12 counsel.

13 JUDGE MORAN: I see.

14 MR. GOLDSTEIN: Judge?

15 JUDGE MORAN: Yes.

16 MR. GOLDSTEIN: We will be happy to provide to
17 Mr. Schwartz whatever is in his file. Hopefully we
18 can go back the three years; for sure we can at least
19 go back two years.

20 JUDGE MORAN: Okay. All right.

21 MR. SCHWARTZ: Can the record reflect that the
22 rule is three?

1 JUDGE MORAN: Well, the record can't reflect it
2 yet until I or someone looks at the rules, and I
3 don't have all of this in front of me at the moment.

4 MR. GOLDSTEIN: Now, we're assuming, Judge,
5 that this is a transferred-in bill from a residential
6 account.

7 JUDGE MORAN: What do you mean by "a
8 transferred-in bill"?

9 MR. GOLDSTEIN: He's currently living at
10 130 South Canal.

11 JUDGE MORAN: Okay.

12 MR. GOLDSTEIN: And it's transferred in from
13 743 North Dearborn.

14 JUDGE MORAN: Oh, I see. Okay. And that's
15 what's in dispute.

16 MR. GOLDSTEIN: We're assuming that the
17 information that Mr. Schwartz is seeking deals with
18 whatever contacts he has had with the company
19 starting at the 743 North Dearborn building and going
20 back now two years there and possibly whatever his
21 time is at 130 South Canal.

22 MR. SCHWARTZ: Can I speak to that?

1 MR. GOLDSTEIN: Yes.

2 MR. SCHWARTZ: That's correct. All of the
3 complaints have to do with accounts starting with
4 715.

5 JUDGE MORAN: And 715 is the account at
6 743 North Dearborn?

7 MR. SCHWARTZ: Correct.

8 JUDGE MORAN: Okay.

9 MR. PARISE: Yes.

10 MR. GOLDSTEIN: Okay.

11 MR. PARISE: Well, Dearborn is 89073, 71551.

12 MR. SCHWARTZ: Would you like a bill?

13 MR. PARISE: That's for Dearborn. We're
14 talking about Dearborn.

15 MR. SCHWARTZ: Yeah. Billing account, 715.

16 MR. PARISE: Yes, I'm right, 89073.

17 MR. SCHWARTZ: Correct. I just gave you the
18 first three -- the first three digits.

19 MR. GOLDSTEIN: I think we're on the same page
20 with respect to that, Judge.

21 JUDGE MORAN: Okay.

22 MR. GOLDSTEIN: Is there any other information

1 you would want?

2 MR. PARISE: One point I want to make to you,
3 too, though, just so you understand, just because you
4 call in, a service representative doesn't necessarily
5 enter a contact in the account. They may talk to
6 you, hang up and everything is finished. So we may
7 not have all the contacts that you made to the
8 company or each time you called.

9 MR. SCHWARTZ: Thank you for that information.
10 I don't know the implications of that.

11 MR. PARISE: Okay.

12 JUDGE MORAN: And do you have any other
13 questions about this complaint?

14 MR. GOLDSTEIN: I believe I understand --

15 JUDGE MORAN: Each and everything --

16 MR. GOLDSTEIN: -- Mr. Schwartz's complaint
17 with respect to his billing for the 2006-2007 winter
18 bills.

19 MR. PARISE: Off the record.

20 JUDGE MORAN: Yeah.

21 (Whereupon, a discussion was had
22 off the record.)

1 MR. PARISE: Maybe we can -- your Honor, that's
2 a good idea that you had. Maybe you can tell us
3 exactly what your complaint is because it's multiple
4 complaints from what I see here. It's a complaint
5 about the bill. I think ultimately the complaint is
6 a high bill; is that correct?

7 MR. SCHWARTZ: Yes, John. You know, I don't
8 want to belittle it, but the problem has been going
9 on for two years. I've had plenty of time to, like,
10 find a couple things wrong. I would be happy to walk
11 you through each one of these seven complaints in my
12 summary.

13 MR. PARISE: That might be a good idea.

14 JUDGE MORAN: That might be a good idea because
15 I had trouble understanding and I thought --

16 MR. GOLDSTEIN: I sort of ignored the first
17 part of it. Maybe that's my fault.

18 JUDGE MORAN: You can't do that.

19 Okay. Please. That will be good.

20 MR. SCHWARTZ: Okay. The first point in the
21 summary is in response to a bill I received out of
22 the blue after account 7155189073 was supposedly

1 closed. I did confirm that on 8/15 -- I'm sorry --
2 on 9/8, 2007, with a service representative that that
3 account was closed --

4 MR. PARISE: Uh-huh.

5 MR. SCHWARTZ: -- and had a zero balance.

6 Okay with point No. 1?

7 JUDGE MORAN: Okay. So in other words, you're
8 saying you received a final bill after you already
9 paid a final bill?

10 MR. SCHWARTZ: That account was closed. It has
11 a zero balance with no activity allowed on it per a
12 customer service representative.

13 JUDGE MORAN: Okay. All right. The 715.
14 Okay.

15 MR. SCHWARTZ: Point No. 2.

16 JUDGE MORAN: Uh-huh.

17 MR. SCHWARTZ: They incorrectly allowed account
18 7155189073 to be linked to 2325118029.

19 JUDGE MORAN: Okay.

20 MR. SCHWARTZ: There was a request made by the
21 holder of the account beginning with 232.

22 JUDGE MORAN: Who holds 232?

1 MR. SCHWARTZ: That was my fiancée at the time.
2 She is now my wife. She was not when she made the
3 account. Any linkage of the account had to be from
4 me in writing because she wasn't a spouse at the
5 time.

6 JUDGE MORAN: Well, where was the 232 account?
7 What address?

8 MR. SCHWARTZ: It was an inactive account at
9 the time. It was for my fiancée's previous
10 residence. The bill is currently in her name at the
11 130 address.

12 JUDGE MORAN: Okay. Let me try and understand
13 this.

14 The account on the 130 address is the
15 232 account?

16 MR. SCHWARTZ: The 232 account is our current
17 active account at 130 South Canal.

18 JUDGE MORAN: 232 is currently inactive.

19 MR. GOLDSTEIN: Active.

20 MR. SCHWARTZ: Is currently active at 130 South
21 Canal.

22 JUDGE MORAN: And it was active previous to you

1 moving in there.

2 MR. SCHWARTZ: The company's records I'm sure
3 will reflect that.

4 JUDGE MORAN: But I would assume you'd know
5 that, too.

6 MR. SCHWARTZ: I'd like to say I would, but I
7 don't.

8 JUDGE MORAN: Okay.

9 MR. SCHWARTZ: That account was started --

10 JUDGE MORAN: But was this Margaret Walsh
11 engaging in fraud?

12 MR. SCHWARTZ: No, absolutely not.

13 JUDGE MORAN: Well, then why are you saying --

14 MR. SCHWARTZ: I think she called the company
15 and she said, Will you please link my fiancé's
16 account to mine?

17 JUDGE MORAN: Okay.

18 MR. SCHWARTZ: And they said, Sure. The rule
19 says that it has to be a spouse.

20 JUDGE MORAN: The rule says. But are you
21 telling me that she did this without your permission
22 or -- this is what I'm trying to understand. How are

1 you linking her actions to the company's actions?

2 MR. SCHWARTZ: She made a request --

3 JUDGE MORAN: Yes.

4 MR. SCHWARTZ: -- to be linked to her fiancé's

5 account.

6 JUDGE MORAN: And fiancé being you?

7 MR. SCHWARTZ: I was her fiancé at the time.

8 JUDGE MORAN: Uh-huh. Uh-huh.

9 MR. SCHWARTZ: That request did not come from

10 me.

11 JUDGE MORAN: That request didn't come from

12 you?

13 MR. SCHWARTZ: Correct.

14 JUDGE MORAN: So she was acting without your

15 authority and permission?

16 MR. SCHWARTZ: No, that's incorrect. She was

17 acting with my authority. She was a spouse -- or she

18 was a fiancée, not a spouse, nonetheless. The

19 request had to come from me because she was not a

20 spouse.

21 JUDGE MORAN: So she wasn't your authorized

22 agent; is that what you're saying?

1 MR. SCHWARTZ: That is correct.

2 JUDGE MORAN: No, no, no. Because -- I mean,
3 what it seems to me is you want to hold the company
4 here -- or you're alleging something against the
5 company for an activity that may be -- and I don't
6 know the rule on that -- may be technically in
7 violation of the rule, but you're not acting and your
8 wife or fiancée at the time is certainly not acting
9 in good faith if she's doing something to catch them
10 in a violation. I mean, I don't understand what the
11 point of that is.

12 MR. SCHWARTZ: You know --

13 MR. GOLDSTEIN: What is the point of your No. 2
14 allegation?

15 MR. SCHWARTZ: Can we go off the record,
16 please?

17 JUDGE MORAN: Sure.

18 (Whereupon, a discussion was had
19 off the record.)

20 JUDGE MORAN: We're back on the record now.

21 We're back on the record, and I
22 believe that there is something to report.

1 MR. GOLDSTEIN: Yes, Judge. Complainant,
2 Mr. Schwartz, and ComEd have amicably settled this
3 matter and have entered into a settlement agreement
4 and a Joint Stipulation to Dismiss the complaint.
5 JUDGE MORAN: Okay.
6 MR. GOLDSTEIN: We've provided your Honor with
7 a copy of the Joint Stipulation to Dismiss. I will
8 be filing that Joint Stipulation with the Chief Clerk
9 today.
10 JUDGE MORAN: Thank you.
11 MR. GOLDSTEIN: And we would ask that you close
12 the record and ultimately present this to the
13 Commission for the dismissal of the complaint with
14 prejudice.
15 JUDGE MORAN: All right. So all parties in the
16 room agree that the matter should be dismissed; am I
17 correct?
18 MR. SCHWARTZ: That's correct, your Honor.
19 JUDGE MORAN: Mr. Goldstein?
20 MR. GOLDSTEIN: Yes.
21 JUDGE MORAN: Okay. With that, I'm going to
22 mark the record heard and taken and await the formal

1 filing of the Motion to Dismiss and will present same
2 to the Commission.

3 MR. SCHWARTZ: Thank you.

4 JUDGE MORAN: Thank you.

5 HEARD AND TAKEN.

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